

Indonesia

freedomhouse.org

Simultaneous parliamentary elections were held in April 2014 for national, provincial, and district level parliaments, and presidential elections took place in July, all amid sporadic election-related violence and limited voting irregularities. The Democratic Party of Struggle (PDI-P) returned to power. Golkar, the party of former president Suharto, came in second, but won fewer seats than in the past. The Democrat Party (PD) of outgoing president Susilo Bambang Yudhoyono (also known as SBY) lost a significant number of seats.

Jakarta governor Joko Widodo (Jokowi) from the PDI-P won the presidential contest against Great Indonesia Movement (Gerindra) candidate and former general Prabowo Subianto. Taking office in October, Jokowi was a relative newcomer to the national political scene.

In September, Indonesia's outgoing national parliament voted to pass an election law that rolled back significant democratic reforms that had been instituted since the authoritarian years of Suharto. The new law ended regional direct elections for administrative heads (governor, district chief, and mayor), returning to indirect election by local assemblies. While the law was defended on the grounds of saving money and reducing vote buying, most political observers agree it aims to increase the power of established parties, strengthen legislative control over the executive branch, and make it more difficult for political figures outside of the traditional elite to gain office. SBY issued two government regulations in October that negated the new law; however, the new parliament must vote to retain the regulations or to reinstate the law. The new parliament, which is comprised of a large proportion of parties that defended the new law, is expected to vote on the matter in early 2015.

In July, the parliament passed an amendment to the 2009 Legislative Institutions Law that, among other things, reduces the power of law enforcement agencies to investigate lawmakers by requiring the written approval of the president or the parliament's Honorary Council.

Political Rights and Civil Liberties:

Political Rights: 30 / 40 [Key]

A. Electoral Process: 10 / 12 (-1)

Elections in Indonesia are considered to be free and fair by independent monitoring groups. The House of Representatives (DPR), with 560 seats, is the main parliamentary chamber. The 132-member House of Regional Representatives (DPD) is responsible for monitoring laws related to regional autonomy. A 2013 Constitutional Court ruling allows the DPD to propose bills on that subject and the relationship between central and local governments, in addition to reviewing legislation and making recommendations. Presidents and vice presidents can serve up to two five-year terms, and all legislators serve five-year terms.

Voters for the DPR can select either a party list or an individual candidate, but candidates are seated based on the number of direct votes they receive. The PDI-P returned to power after April 2014 elections with 19 percent of the vote, and increased its total number of seats by 15. Golkar won 15 percent of the vote, losing 15 seats. Gerindra gained 12 percent of the vote and 47 new seats. The PD received 10 percent of the vote, and lost 87 seats. Three of the five Islamic parties—the National Mandate Party, National Awakening Party, and United Development Party—increased their total vote share by 23 seats. The Prosperous Justice Party lost 17 seats.

In Aceh, a power struggle between two political parties whose members were once part of the Free Aceh Movement led to shootings, grenade attacks, and destruction of property. In Papua, voter list inflation and ballot stuffing resulted in a voter turnout of 99 percent in more than half of the districts. In addition, the “noken” system of voting, in which community leaders engage in bloc voting for their communities, was used despite a decision by the Election Commission against it; the Constitutional Court had upheld the noken system in deference to customary law in both 2009 and 2012 judicial reviews.

Jokowi won the July presidential election with approximately 53 percent of the vote. Prabowo contested the results, but the Constitutional Court rejected his case in September. The ruling was an important sign of the court’s neutrality. Corruption, collusion, and nepotism have dogged efforts to reform Indonesia since the fall of Suharto, and Jokowi’s popularity was due in part to his clean reputation and his relative distance from entrenched elites. Only the parties or coalitions that gain 20 percent of DPR seats or 25 percent of the popular vote may field presidential candidates, though this will change for the next elections, when presidential and parliamentary elections will be held simultaneously based on a January 2014 Constitutional Court ruling.

The 2014 law ending regional direct elections was widely unpopular. Direct elections for provincial and district leaders began in 2005, often leading to tensions between the central government and local authorities. In June 2014, former Constitutional Court chief justice Akil Mochtar received a life sentence for corruption and money laundering related to his role in fixing rulings on contested district elections. Local direct elections are extremely costly and have led to electoral fatigue and increased local conflict. However, direct elections also allow local leaders who are not part of existing national elite to gain office, such as Jokowi.

In May 2014, the Constitutional Court affirmed that military and police personnel will continue to be barred from voting in future presidential elections.

Under a 2012 law, the hereditary sultan of Yogyakarta is the region’s unelected governor. The position is nonpartisan, and the sultan is subject to a verification process with minimum requirements—such as education—every five years beginning in 2016. The prince of Paku Alaman is similarly deputy governor of the region.

B. Political Pluralism and Participation: 14 / 16 (+1)

The right to organize political parties is respected in Indonesia, though in recent years the election laws have been amended to favor large parties by restricting eligibility for parties to run for parliament or to field a presidential candidate. In 2013, only 12 parties passed verification processes for the 2014 elections, down from 48 in 1999; in addition, three parties may only compete in the autonomous region of Aceh under the 2005 peace agreement.

One new national party, Partai NasDem, competed in the 2014 elections. Gerindra and Partai Hati Nurani Rakyat (Hanura) competed for the first time in 2009.

Some local governments have discriminated against minorities by restricting access to national identification cards, birth certificates, marriage licenses, and other bureaucratic necessities, limiting their political rights and electoral opportunities. The former deputy governor of Jakarta, Basuki Tjahaja Purnama (known popularly as “Ahok”), was installed as Jakarta governor in November 2014. Ahok is ethnic Chinese Christian; his appointment has been called a milestone for Indonesia, where religious intolerance has increased in recent years and those of Chinese descent have historically been viewed negatively. Despite official and unofficial prejudice against his Shia branch of Islam, Jalaludin Rakhmat won a seat in the DPR representing PDI-P in West Java.

C. Functioning of Government: 6 / 12

Elected officials and legislative representatives determine the policies of the government, but corruption remains endemic, including in the parliament and the police. Indonesia was ranked 107 out of 175 countries and territories surveyed in Transparency International’s 2014 Corruption Perceptions Index.

It is estimated that more than half of the 524 local leaders have been named corruption suspects. Among other high-profile cases during 2014, Rudi Rubiandini, the head of a special government task force to manage Indonesia’s upstream oil and gas activities, was sentenced to seven years in April for accepting a bribe related to energy contracts. In May, Religious Affairs Minister Suryadharma Ali was charged with graft related to pilgrimage funds.

A 2009 anticorruption law diluted the authority and independence of both the Corruption Eradication Commission (KPK) and the Anticorruption Court (Tipikor), allowing the creation of regional corruption courts. Acquittals are common in regular regional courts, and those who are convicted often receive light sentences or benefit from mass pardons. In April 2014, two regional ad hoc anticorruption court judges were sentenced to five years for receiving kickbacks related to procurement violations by a former provincial parliament speaker.

Civil society groups are able to comment on and influence pending policies or legislation. For example, the 2014 Constitutional Court ruling paving the way for simultaneous presidential and parliamentary elections was a result of a judicial review request filed by a coalition of civil society members and organizations. However, government transparency is limited by obstacles such as a 2011 law that criminalizes the leaking of state secrets to the public.

Civil Liberties: 34 / 60**D. Freedom of Expression and Belief: 12 / 16**

Indonesia hosts a vibrant and diverse media environment, though press freedom is hampered by a number of legal and regulatory restrictions. Stringent though unevenly enforced licensing rules mean that thousands of television and radio stations operate illegally. Foreign journalists are not authorized to travel to the restive provinces of Papua and West Papua without special permission: two French journalists were detained in August 2014 for violating their tourist visas while filming a documentary about human rights in Papua; they were sentenced to 2.5 months in prison. In addition, treason and blasphemy laws are routinely used to limit freedom of expression by minority groups and separatists. In September 2014, the national police chief threatened to charge a criminologist with defamation if he did not issue a public apology for stating during a television interview that the police force was corrupt; the criminologist issued the apology soon after. Reporters often practice self-censorship to avoid running afoul of civil and criminal libel laws. In addition, reporters sometimes face violence and intimidation, which in many cases goes unpunished.

Censorship and self-censorship of books and films for allegedly obscene or blasphemous content are fairly common. In February, the military and police, encouraged by members of the hardline Islamic Defenders Front, forced the closure of a book discussion at a local university in the city of Surabaya on a historical Indonesian leftist leader. In September, the *Jakarta Post* was accused of blasphemy for printing a cartoon allegedly insulting Islam.

The 2008 Law on Electronic Information and Transactions extended libel and other restrictions to the internet and online media, criminalizing the distribution or accessibility of information or documents that are “contrary to the moral norms of Indonesia” or related to gambling, blackmail, or defamation. In February 2014, a blogger was sentenced to one year in jail for a Twitter comment implying a lawmaker who was part of a banking scandal was involved in corruption. In September, the mayor of Bandung reported a Twitter account holder to the police for comments allegedly insulting to the city. In October, a Facebook user was arrested for making allegedly slanderous comments about her husband’s boss; her trial was ongoing at the end of 2014.

Indonesia officially recognizes Islam, Protestantism, Roman Catholicism, Hinduism, Buddhism, and Confucianism. Individuals have the option of leaving the religion section of their national identity cards blank, but those who do face discrimination. In July, Religious Affairs Minister Lukman Hakim Saifuddin affirmed that Baha’i is a religion rather than a sect. Atheism is not accepted, and the criminal code contains provisions against blasphemy, penalizing those who “distort” or “misrepresent” official faiths.

A 2013 Human Rights Watch report noted the repeated failure of the national and local governments to protect religious minorities, including failing to investigate violence and exhibiting prosecutorial bias. Protestant congregations have struggled to secure local permission to build churches in parts of Java, even when authorized by the Supreme Court.

In May, a Catholic prayer group was attacked at a private home in Yogyakarta; the homeowner and a journalist covering the attack were injured. Violence and intimidation against Ahmadiyya, an Islamic sect with approximately 400,000 Indonesian followers, continued in 2014, and the central government continues to tolerate discrimination by local governments. In May, an Ahmadiyyah mosque was sealed in Bekasi. The Shiite Muslim minority has also suffered violence and intimidation, including forced conversion. A report by the National Human Rights Commission cited nearly two times the number of human rights complaints in 2014 as compared with 2013.

In recent years, hardline Islamist groups such as the Islamic Defenders Front have engaged in raids and extrajudicial enforcement of Sharia (Islamic) bylaws, and pressured local governments to close churches and non-Sunni mosques. Their violent activities are not supported by large Islamic organizations, but they often have the support of high-ranking government officials. Security forces have been criticized for tacitly aiding them by ignoring their abuses. In November 2014, newly installed Jakarta governor Ahok requested the Islamic Defenders Front be banned after several violent incidents in the capital; the request was pending with the Justice Ministry at year's end.

Academic freedom in Indonesia is generally respected.

E. Associational and Organizational Rights: 8 / 12

Freedom of assembly is usually upheld, and peaceful protests are common in the capital. A 2010 regulation allows national police to use live ammunition to quell situations of “anarchic violence.” In May 2014, police opened fire on civilians throwing rocks at a police station in Papua, severely injuring three. In December, police shot five high school students and injured 17 others in Papua who were protesting an incident between military personnel and local residents; an investigation is ongoing.

Authorities have restricted the right to assembly in regions of conflict. Flag-raising ceremonies and independence rallies in Papua are routinely disbanded, often violently, and participants have been tried for treason. In April, leaders of student protests in Papua were detained and allegedly beaten while in police custody. In February, the Surabaya police refused to issue a permit for a book discussion about an Indonesian communist leader. Communism is banned in Indonesia, and the organizers were accused, though not charged, with being members of the Indonesian Communist Party.

Indonesia hosts a strong and active array of civil society organizations, but some human rights groups are subject to government monitoring and interference. Independence activists in Papua and the Maluku Islands, and labor and political activists in Java and Sulawesi, remain targets for human rights abuses. No high-level official has been convicted for any serious human rights violation since the fall of Suharto. Under the 2013 law on mass organizations, which covers all civic and religious nongovernmental organizations (NGOs), the government can dissolve organizations that do not espouse the national ideology of Pancasila. Organizations cannot commit blasphemy or advocate non-Pancasila ideologies,

including Marxism-Leninism, atheism, and communism. The law also circumscribed the types of activities associations can undertake, required all organizations to register with the government and submit to regular reviews of their activities, and allowed the government to dissolve noncompliant organizations. Foreign groups are forbidden from activities that disrupt the stability and integrity of the country or its diplomatic relations.

Workers can join independent unions, bargain collectively, and with the exception of civil servants, stage strikes. The labor movement is generally fragmented, though labor laws include generous strike provisions. Some unions have resorted to violence in their negotiations with employers, and labor-related demonstrations are widespread.

Approximately 10 percent of workers in the formal economy—which accounts for one-sixth of the total economy—belong to unions.

F. Rule of Law: 5 / 16

The judiciary, particularly the Constitutional Court, has demonstrated its independence in some cases, but the court system remains plagued by corruption and other weaknesses. The revelation of the role of former Constitutional Court chief justice Akil Mochtar in fixing local elections was a blow to public confidence in legal institutions. Low salaries for judicial officials and impunity for illegal activity perpetuate the problems of bribery, forced confessions, and military and government interference in court proceedings at all levels.

Security forces in general remain rife with corruption and other abuses, and personnel regularly go unpunished or receive light sentences for human rights violations. Information garnered through torture is permissible in Indonesian courts, and torture carried out by law enforcement officers is not a criminal offense. In a 2014 report, KontraS (Commission for the Disappeared and Victims of Violence) noted a steady increase in the number of torture victims between 2010 and 2014, and documented 108 instances of torture between June 2013 and June 2014. Approximately half of the recorded instances of torture took place in police stations.

Poor prison governance is compounded by endemic overcrowding. Prison riots and protests over lack of services have led to numerous jailbreaks.

The military has in the past enjoyed relative impunity for criminal activities and human rights abuses, though internal reform efforts and public pressure have led to some improvements. While cases for nonmilitary crimes are supposed to be tried in civilian courts, in practice they are not. In November 2014, pilot Polycarpus Budihari Priyanto was released on parole after serving only 6 of 14 years for the murder of human rights activist Munir Said Thalib on a flight from Singapore to Jakarta in 2004. Polycarpus is considered the fall guy for an intelligence operation.

Since the 1950s, separatists have waged a low-grade insurgency in the provinces of Papua and West Papua, where the central government's exploitation of natural resources has stirred resentment and separatist action and there is a large military presence; casualty estimates vary significantly, with some as high as 500,000 deaths since the conflict began.

Confrontations between security forces and protesters are common, as are extrajudicial killings, tribal conflict, and violence related to labor disputes at foreign-operated mines and other resource extraction enterprises. Torture by police and the military is also regularly cited, with most torture victims civilians rather than active participants in armed resistance. Members of the security forces continue to enjoy relative impunity for abuses. Government and military officials often accuse human rights activists of being part of the separatist movement, and visits by foreigners, particularly journalists, are highly restricted. According to the organization Papuans Behind Bars, as of December there were 66 political prisoners jailed in Papua.

A number of districts have issued local ordinances based on Sharia that in many cases are unconstitutional, contradict Indonesia's international human rights commitments, or are difficult to enforce due to lack of clarity. In March 2014, the governor of Gorontalo passed a law requiring civil servants to pray every Friday in order to discourage adultery. A draft regulation requiring that Sharia law apply to non-Muslims was under review in Aceh at year's end. The new law also bans all sexual relations outside of marriage. Local regulations unrelated to Sharia have been criticized for violating constitutional protections as well.

Ethnic Chinese, who make up less than 3 percent of the population but are resented by some for reputedly holding much of the country's wealth, continue to face harassment. LGBT (lesbian, gay, bisexual, and transgender) people face widespread discrimination, and gay-themed events have encountered resistance or even collusion with local religious authorities and militias on the part of local officials. Many local bylaws criminalize both same-sex sexual conduct and identifying as LGBT, and a 2008 antipornography law labels same-sex sexual acts as "deviant." Transgender people are routinely arrested and sent for counseling.

Refugee applicants to the UN High Commissioner for Refugees office in Jakarta must wait as much as two years to be interviewed to determine their status after initial registration, during which they must cover their own expenses. Indonesia does not offer asylum seekers or refugees rights to work or to receive social protection, though some support is provided by the International Organization for Migration. As of January 2014, approximately 7,000 asylum seekers awaited status determination. Detention centers are overcrowded and lack support for vulnerable individuals, such as children and minorities.

G. Personal Autonomy and Individual Rights: 9 / 16

Freedom of travel and choice of residence, employment, and higher education are generally respected. However, the ability to obtain private business licenses and public employment is often limited by the need for bribes or other inducements. Corruption also affects businesses' daily operations and routine interactions with the state bureaucracy.

Property rights are threatened by mining and logging activity on communal land and state appropriation of land claimed by indigenous groups, particularly in Kalimantan. In 2013, the Constitutional Court ruled that indigenous people have the right to manage "customary

forest” lands they inhabit; administrative follow-up has yet to implement the change, so the government continues to grant concessions to extractive industries on the land.

Discrimination against women persists, particularly in the workplace. A 2008 law states that 30 percent of a political party’s candidates and board members must be women. In 2014, 94 women (approximately 17 percent) were elected to the 560-seat DPR, a slight decrease from the previous term; women comprise approximately 16 percent of regional bodies.

Abortion is illegal except to save a woman’s life or in instances of rape; a regulation that came into effect in August 2014 requires that abortion in the case of rape must take place within 40 days. National legislation deems rape a criminal offense, but adults over 15 years of age must have corroboration and witnesses for rape charges; spousal rape is covered under domestic violence legislation. Sharia-based ordinances in a number of districts infringe on women’s constitutional rights. Women applying to work for the national police must undergo virginity tests.

A draft Gender Equality Bill stalled in parliament in 2013 due to objections that it contradicted Sharia on issues such as inheritance and allowed interreligious marriage; the draft does not include same-sex marriage in its definition of marriage. In September, a petition was filed to the Constitutional Court for a judicial review of existing laws preventing interreligious marriage. A draft national criminal code under consideration in 2014 would ban adultery and cohabitation by unmarried couples.

Trafficking of women and children for prostitution and forced labor continues. A 2011 immigration law criminalized human trafficking, but a significant business in smuggling people operates through Indonesia. In January 2014, a smuggler was sentenced to seven years for his role in transporting 200 Afghans and Pakistanis to Australia, 90 of whom died when their boat sank.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology